

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
DIVISION

FILED

2012 SEP 24 AM 9:53

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

Patrick Roal
113 North Poole Street
Ashland City TN
Name of Plaintiff

v.

Case No. _____
(To be assigned by Clerk)

Jury Demand ☐ Yes ☐ No

Senic Restaurants, Inc
Shawn A. Taylor Esq., Senic Food Show Attorneys LLP
131 South Dearborn Street Suite 2400
Name of Defendant(s) Chicago, IL 60603

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the Plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, Patrick Roal, is a citizen of the United States and resides at
113 North Poole Street, Ashland,
Street address City
Chatham, TN, 37015, 615-415-5707.
County State Zip Code Telephone Number

3. Defendant, Dean Mason resides at, or its business is located at
615 South Main Street, Ashland,
Street address City
Chatham, TN, 37015.
County State Zip Code

(If more than one Defendant, list the name and address of each additional Defendant)

John Materowski - Sonie Drive In - 1015 South main Street,
Ashland city TN 37015

4. Plaintiff sought employment from the Defendant or was employed by the Defendant at

1015 South main Street, Ashland,
 Street address City
Chatham, TN, 37015.
 County State Zip Code

5. Defendant discriminated against Plaintiff in the manner indicated in paragraphs 8 and 9 of this Complaint on or about May 18th 2010.
 Month Day Year

6. Plaintiff filed charges against the Defendant with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission charging the Defendant with the acts of discrimination indicated in paragraphs 8 and 9 of this Complaint on or about May 24th 2010.
 Month Day Year

7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by Plaintiff on September 13th 2012, a copy of which Notice is attached.
 Month Day Year

8. Because of Plaintiff's (1) _____ race, (2) X color, (3) _____ sex,
 (4) _____ religion, (5) _____ national origin, the Defendant:

- a. _____ failed to employ Plaintiff.
- b. _____ terminated Plaintiff's employment.
- c. _____ failed to promote Plaintiff.
- d. _____ retaliated against Plaintiff for having filed a charge of discrimination.
- e. X other. Explain: Equal Pay Act. I was cut out of

my pay and Bonus Program for no reason. I ~~am~~^{im} the only Black
american that works at Sonic Drive In at my store. the only one
in management that was treated like this for 9 months. had never had any
written-up or been in trouble. been at Sonic since 1995. still present

9. The circumstances under which Defendant discriminated against Plaintiff were as follows:

I have worked at Sonic Drive In at 615 South main street since 1995.
I started out as a cook until 2003. I then went to Asst. manager and started
working from 5:30 AM to 1:30 PM Monday thru Friday and Sat 5:30 to 1:30 PM
and off on Sundays. I opened the store and sometime ran the store by myself
for hour or two because co-workers was late. my schedule stayed like that for years
with no problems and sometimes stay over a little. I had a second job at all times
but never got in the way of my Sonic job. well I started seeing a little change in 2009
 (You may use additional paper, if necessary.) other paper

10. The acts set forth in paragraph 8 of this Complaint:

- a. _____ are still being committed by Defendant.
- b. _____ are no longer being committed by Defendant.
- c. X may still be being committed by Defendant.

11. Plaintiff attaches to this Complaint a copy of the charges filed with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission, which charges are submitted as a brief statement of the facts supporting this Complaint.


WHEREFORE, Plaintiff prays that the Court grant the following relief:

- a. _____ direct that Defendant employ Plaintiff, or
- b. _____ direct that Defendant re-employ Plaintiff, or
- c. _____ direct that Defendant promote Plaintiff, or
- d. _____ order other equitable or injunctive relief: _____

-
- e. _____ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;

- f. _____ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: _____

-
- g. ~~_____~~ X direct that Defendant pay Plaintiff punitive damages in the amount of 12.5 million dollars because Defendant engaged in a discriminatory practice or practices with malice or with reckless indifference to Plaintiff's federally protected rights, as described in paragraphs 8 and 9 above; and that the Court grant such other relief as may be appropriate, including costs and attorney's fees.



 (Signature of Plaintiff)

Sept 24-2012

I Patrick ROAN ask for Defendant to pay punitive damages because of what I went through. lost my pay went from \$740.00 biweekly to 302.00 biweekly. had to file Chapter 7 Bankruptcy. lost my car, bank account. but I was blessed by God's mercy and grace everyday to go to work smile and continue to do my job. never did I miss a Beat - bills got behind but God always lifted me up. Thankyou,,
It was a struggle & still is a struggle.

Pat ROAN
9-24-2012

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

FILED

To: **Patrick Roan**
113 North Pool Street
Ashland City, TN 37015

From: **Memphis District Office**
1407 Union Avenue,
Suite 901
Memphis, TN 38104

2012 SEP 24 AM 9:54

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

25A-2010-00609

V. Paulette Wilson,
Deferral Coordinator

(901) 544-0147

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Katharine W. Kores

SEP 13 2012

Enclosures(s)

Katharine W. Kores,
Director

(Date Mailed)

cc: **SONIC RESTAURANTS, INC.**
Shavaun A. Taylor, Esq.
Seyfarth Shaw Attorneys, LLP
131 South Dearborn Street, Suite 2400
Chicago, IL 60603

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Dates and weekly Hours 2009 & 2010

We hired a new Associate Manager by the name of Jacob Guinn, he started on August 20-2009 the week I was ~~on~~ on vacation. We had Sam & Matt which was co-managers and Pam & Jacob Guinn & I myself was Associate Managers.

The week of August 31 thru Sept 6-2009 I had 39 hours Pam had 40 Jacob Guinn had 39 hours. weeks of Sept 7-2009 thru Sept 27-2009 we all had 40 hours, Ms. Pam found out that she had to have a hip replacement and would be out for 12 weeks. The week of Sept 28 thru Oct 4th 2009 Ms. Pam left for surgery she worked 20 hours. Jacob worked 38 I worked 36 hours. I started see a little different. Week of Oct 5-2009 Jacob worked 40 hours I had 37 hours. Ms. Pam is now gone. I went to John Maternowski and asked why my hours was cut. he told me labor. Just wait. Matt & Sam are still there but they are own Salary And John which is the G.M. manager

October 2009

- 10-12-09 thru 10-18-09 Me 38.5 Jacob 30^{hrs} went on vacation that week.
- 10-19-09 thru 10-25-09 Me 30 hour Jacob was gone returned on Friday had 28 hours. John had taken my hours and put me getting out at 11:00 o'clock every day Mon thru Thursday took my Friday away had me on Saturday morning and Sunday morning 11-3 to help for lunch he said.
- 10-26-09 thru 11-1-09 Jacob 40 hours me 33.5
- 11-2-09 thru 11-8-09 Jacob 40 hours me 31.5
Ms. Pam was ^{out} for hip replacement. I kept asking John about my hours was it my work or what was going on, he told me just hang in there.
- 11-16-09 thru 11-22 Jacob had 38 hours I had 31.5
- This was Thanksgiving week Jacob was gone but he had 35. I had 31.5 because John and Matt was out of town. they are brother in-laws. So I work Friday morning from 5:30 to 11:00 AM dates 11-23-09 to 11-29-09
- Ms. Pam returned to work on 12-7-2009 she had 25 hours - Jacob had 38 hours I then had 26 hours. John had cut me from my wednesday's. Told me that he wanted to install a new computer down road.

Dates and weekly hours.

- Dec 14-09 thru 12-20 Pam had 27 hours she was out Doctors Jacob had 36 hours I had 24 hours
 - Dec 21-09 thru 12-27 Christmas week everyone was out Pam had 19 hours - Jacob was gone a few days he had 25 I worked on Christmas Day just to get hours. I had 33.5
 - JAN 4-2010 Pam had Jacob had 35 I had 26. thru JAN 10
 - JAN 11-2010 thru JAN 17-2010 Jacob had 35 - Pam 35 - I had 26 hours
 - JAN 18-2010 thru JAN 24-2010 I had 26 - Jacob had 34 - Pam 38
 - By this time Dan and John both was like just hold on for a little while. Even my employees was wondering what was going on. Some stuff just stayed quiet.
 - JAN 25-2010 thru JAN 31-2010 Pam vacation but had 29 hours Jacob 37 me 26 hours.
 - Feb 1-2010 thru 2-7-2010 Pam 37 hrs Jacob 37 hours me 24 hours
 - Feb 2-8-2012 thru 2-14 Jacob 38 hours Pam 38 me 24 hours
 - Feb 15-2012 thru 2-21-2012 Jacob 37 - Pam 37 - me 28 hours. we had a meeting with a class all managers had to go. we got David.
 - Feb 22 thru Feb 28-2010 Pam 38 Jacob 39 me 24
My Pay went from 745.00 every other week to 1302.00
my bills were at this time. plus I didn't receive my mystery shop Bonus checks because I wasn't having enough hours. that received hours Monthly.
 - March 1-2010 thru 3-7-2010 Pam 40 Jacob 40 me 24 hours
 - March 8-2010 thru 3-14-2010 Jacob 41 hours, Pam vacation week 30 hours me 24 hours
 - March 15-2010 Jacob went to a new store opening in Mt. Joliet this week. Pam hours 40 mine 24
 - March 3-22-2010 Pam 39 hours me 24 hours Jacob was still at Mount Joliet store training.
 - March 29-2012 thru April 4-2012 Jacob 38 hours Pam 39 hours me 24 hours.
- I was still told to hold on by John Maternowski talked to John on 4-4-2010

- April 5-2010 Thur 4-11-2010 Pam 37 Jacob 42 hours me 24 hours
- April 12-2010 Thur 18-2010 Pam 42 Jacob 40 me 24 hours.
- April 19-2012 Thur 4-25-2010 Pam 45 Jacob 41 me 24
- April 26-2012 Thur May 5-2-2010 Pam 40, Jacob, 42, I was able to get in 5 extra hours. John's Daughter was attacked by a dog and was in the hospital. Matt called me me Thursday night. I opened that Friday.
- May 3-2010 John was out due to Daughter in the hospital so I had 29 hrs. Pam 43, Jacob was out some he had 37.
- May 10-2010 Thur May 16-2010 Pam had 40, Jacob 43 me 31.5 they had given me back my Wednesday morning.

May 10-2010 I had come Home a called our Sonie Field people Consultant and Spoke with Gary Kohn. I had to him about them hiring Jacob Ginn and what was happening to my hours. Mr. Gary knew Jacob for Knoxville stores but didn't know that Dan and John was doing this to my hours. I told him that I felt like Discrimination was going on. he told me that he would get back with me and not let anyone know that I had called. Well he called me back that Saturday when I was at work on the 5-15-2010 here at my home. told my mom that he was sorry but he would be in town soon. Well Mr. Gary arrived in town on May 18-2010 at 7:30 AM. John pulled up and then dean arrived. they had there meeting on the Patio for about 100 mins. I guess trying to explain what they did and why. Then they called me out at the table. I was out there for about 10 min maybe and told me that John didn't think that I was mean enough to my employees. there was only me, Mc Carhop and a co-manager. I knew then I had been discriminated on. They had no reason for what they did to me. I have no write-ups or been in trouble with boss. I just couldn't understand me the only one in management done like this. and the only Black American in the store and in management. So I decide to file and lawsuit of discrimination. I called and papers was sent out and I fill them out and return them. I kept asking John & Dan why my hours was cut. they just said hold on.

Also in the meeting May 18-10 with John Maternowski, Dean Mason, Boof Kuhn for S.R.I. they told me that they wanted to start working on Saturday nights. I asked them why was that now. They said to manage a little more. When I told how I was being treated I was retaliated I felt because I had made a good Faith complaint on how they had treated me. We I had the meeting on 5-18-2010 my hours went back to everyone else's Fast the next week.

- May 19-2010 thru May 23-2010 Pam 40 hours Jacob 45 ME 33.5

- May 24-2012 Pat 37-Jacob 41-Pam 37

I started work on split Saturdays May 29-2012 I worked 5:30 to 10am then had to return back to work and 10pm to midnight to train with ms. Pam.

- May 5-2010 I went on vacation Jacob 41-Pam-40 thru 6-6-2010
hours

- On July 5-2010 Jacob Guinn put in his two week notice at Sonic. His last Day would July 23-2010.

- I continued to get hours like everyone else from May 18-2010. but I was now working split on Saturday's.
My Hours was

June 12-2010 5:30-10am then came back at 10pm to midnight

June 19-2012 5:30-AM-10am came back at 10pm to midnight

June 26-2012 5:30am to 10am came back at 9pm to midnight

and I started working on Saturday night from 5pm to midnight on July 3-2012. John Maternowski's brother in law Matt Dromm on my morning shift for now on. I still to this day present 2012 is on the Saturday night shift. It has been very difficult with everyone. but you have to stand up for your self. here is a small portion of what everything was like.

Thank you
Linda Rahn

Sept 24-2012

M Aug 24 2010

I felt they did this. try to cover what they had done to me.
As if it was my fault. I told them that they changed my
schedules trying to fit in Jacob Givins - that wasn't my fault -
But why it only happened to me? ~~They~~ Did try to give me some
computer training on ~~the~~ August 17-2010. I made a 100 on
the computer about Food safety Audit. If it goes to a Jury.
I'm Ready. Thank you, Even when cooperate came in no change, but Saturday's didn't help.

Patricia K. K. K.

Sept 24 2012

Meeting Recap

The purpose of this letter is to recap our meeting Tuesday May 18, 10. It is understood that you need to be scheduled more hours. It is also understood that you need to be more assertive with the crew members that you are managing. You need to read and understand the Sonic Drive In Job Description for Assoc Manager. Under duties and responsibilities the number one job duty is: Manages, trains and coaches crew members, carhops, skating carhops, assistant managers and conducts orientation. You have always done a great job with being on time and being in uniform, and a good job of completing crew tasks and preparing orders. We need to build on your skills with more training in the Assoc Manager position. We also discussed that you are only available to work from 5:30 am until 3:00 pm Mon thru Fri and from 11:00 till 3:00 on Sunday and anytime on Saturday due to your other job and church requirements. John will begin training with the 824 Computer, and different reports and procedures. I will follow up with you on a monthly basis to listen to any concerns you have and monitor your progress.



Dean Mason

Pat Roan



John Maternowski

Brought to me on May 24-2010